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Bengt Dohmers

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EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/518,304
Filing Date: August 29, 2005
Appellant(s): DOHMERS ET AL.

Robert J. Patch
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed April 10, 2008 appealing from the Office action mailed October 12, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

Claims 1, 2 and 6 stand rejected under 35 USC 103 over the UK patent document 2,343,842 in view of McKay 6,458,442.

Claim 5 stands rejected under 35 USC 103 over the UK patent document 2,343,842 in view of McKay 6,458,442 as applied to claims 1, 2 and 6 above and further in view of Guzman or Nappi.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,458,442	MCKAY	10-2002
4,917,975	GUZMAN	4-1990
3,665,543	NAPPI	5-1972

2343842 UK Patent Application published May 24, 2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 2 and 6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the UK patent document 2,343,842 in view of McKay 6,458,442. The primary reference discloses the invention substantially as claimed, namely a door mat comprising a number of absorbent sheets B stacked together and connected together by adhesive provided at the edges D of the layers; see page 1 and the claims. However, the primary reference does not teach a three layer sheet as the absorbent material in its floor mat. The secondary reference discloses a door mat comprising a stack of absorbent sheets wherein each sheet comprises a bibulous top layer 54 and a bottom barrier layer 58. The bibulous layer may comprise an upper netting and a lower absorbent layer; see column 5, line 66 through column 6, line 43. This structure allows for an area in the mat to trap dirt and provides a barrier to prevent moisture from contaminating other sheets in the stack; see column 4, lines 1-6 and column 6, lines 38-43. It would have been obvious to one of ordinary skill in the art to use the absorbent sheet structure of the

secondary reference as the absorbent sheet structure in the product of the primary reference in order to provide a door mat that is capable of trapping dirt and preventing contamination of the individual sheets. Concerning the connecting of all layers of the mat in the primary reference by means of a glue barrier on all sides of the mat, the primary reference discloses a "pad with glued edges" (see claims 4 and 5). Such a disclosure clearly states that the glue is on more than one edge of the pad. Gluing all of the edge portions of the mat in the primary reference is clearly suggested by this disclosure, therefore, it would have been obvious to one of ordinary skill in the art to provide glue on all of the edges of the pad in the primary reference to hold the pad together. In response to applicant's argument that he places the glue on all edges to prevent dirt and moisture from entering between the layers, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over the UK patent document 2,343,842 in view of McKay 6,458,442 as applied to claims 1-4 and 6 above, and further in view of each of Guzman 4,917,975 or Nappi 3,665,543. Guzman and Nappi disclose the use of a tab on sheets in a stack of door mats; see column 2, lines 19-24 of Guzman and Figure 4 of Nappi. It would have been obvious to one of ordinary skill in the art to form a tab on the sheets in the door mat of the prior art in view

of the either Guzman or Nappi in order to provide a easy means of removal of the individual sheets.

(10) Response to Argument

Initially it is noted that appellant states that all the claims stand or fall together with claim 1 and that the appellant does not contest the use of the secondary reference McKay. Appellant argues that the UK patent document 2343842 only teaches gluing one edge of the pad to hold it together as evidence by Figure 3 and the reference character "D", Appellant also argues that the handwritten letter "s" in the fourth to the last line on page one may have been provided at some other date after the document was printed, and therefore, may not be part of the printed publication within the meaning of 35 USC 102(a). However, this is not convincing because the prior art rejection does not rely on the part of the document that contains the handwritten "s". The prior art rejection relies on the statement in UK 2343842 that "a pad with glued edges" is provided (see claims 4 and 5), in other words, the disclosure is directed to more than one edge of the stacked pad being glued. In view of this suggestion to apply glue to more than one edge of the pad in UK 2343842, it would have been obvious to one of ordinary skill in the art to glue all edges of the pad. Appellant further argues that the pad in UK 2343842 can not be glued on all its edges because when such a pad is placed in a recessed area as shown in Figure 4, the top sheet could not be removed. However, this argument is also not convincing. While UK 2343842 discloses that its pad *may* be used in a recess, it also discloses that it may be used as "a free standing unit"; see claim 4 and the abstract, wherein it is stated in lines 2-3 that the sheets glued together at their

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edges *may* lie in a floor recess, suggesting that the sheets do not have to be placed in a recess.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

//Alexander Thomas//

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